

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-239-C

In Re:	)	
	)	
Proceeding to Establish Guidelines	)	ITC^DELTA COM'S SECOND
For an Intrastate Universal Service	)	SET OF INTERROGATORIES
Fund	)	TO BELL SOUTH
	)	TELECOMMUNICATIONS, INC.
	)	

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ITC^DeltaCom Communications, Inc. ("DeltaCom") hereby files its Second Set of Interrogatories to BellSouth Telecommunications, Inc. ("BellSouth"). DeltaCom requests that responses should be provided no later than February 20, 2004 pursuant to S.C. Code Ann. Regs. 103-851.

**DEFINITIONS**

1. "The Act" means the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996).
2. "ADSL" means asynchronous digital subscriber line technology.
3. "And" and "or" as used herein shall be construed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests any information what would not otherwise not be brought within their scope.
4. "BellSouth" means BellSouth Telecommunications, Inc., and its parents, subsidiaries, and affiliates, their present and former officers, employees, agents, representatives, directors, and all other persons acting or purporting to act on behalf of BellSouth Telecommunications, Inc.
5. "CLEC" means competitive local exchange carrier.
6. The term "communication" means any oral, graphic, demonstrative, telephonic, verbal, electronic, written or other conveyance of information, including but not limited to, conversations, telecommunications, and documents.

7. "Documents" is used in the broadest sense and includes all tangible things that record information, whether or not such things are in BellSouth's possession, custody or control, and regardless of who prepared or signed them. "Documents" includes both the original and any copy or draft, and all copies which contain any notation not on the original. Examples of "documents" include, but are not limited to, handwritten, typed or printed papers, handwritten notations, office notes, calendar entries, diaries, notes of telephone conversations, photographs, reports, receipts, invoices, memoranda, correspondence, notes, ledger entries, and computer printouts, cards, tapes, disks, and other means of electronically or magnetically maintained information.

8. "Identify" means (1) when used with reference to a natural person, give the person's full name, business or residence address, business or residence telephone numbers, occupation and employer; (2) when used with reference to an entity, give the entity's full name, principal place of business, address and telephone number; (3) when used with reference to a document, give the document's date, title, author, recipient, type (*e.g.*, letter, memorandum, note, *etc.*), name of the custodian of the document, and a description of the contents with sufficient specificity to be the basis for discovery; and (4) when used with reference to an action taken by an entity, identify the person(s) taking the action, describe the nature of the action, and give the date on which the action was taken. If any action identified pursuant to (4) involved a communication with another person, identify the person(s) with whom the actor(s) communicated; and, if the communication was through the use of a document, identify the document through which the communication was made.

9. "Person" includes a natural person, partnership, joint venture, firm, corporation, association, organization, or any other type of business or legal entity.

10. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

11. "x-DSL" means any of the various digital subscriber line ("DSL") technologies. The "x" is a place holder for the various types of DSL services.
12. The terms "you" and "your" refer to BellSouth.
13. The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.

### **INSTRUCTIONS**

1. If you contend that information or documents responsive to a data request may be withheld under the attorney-client privilege, the attorney work product doctrine or other privilege, please state the following to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
- a) the privilege asserted and its basis;
  - b) the nature of the information withheld;
  - c) the subject matter of the information or the document;
  - d) the date of the information or document;
  - e) the individual(s) who prepared the information or document.
2. Provide the names, addresses and positions of each person responsible for preparing each of the answers to the following data requests, and of each person providing information used in the preparation of each answer.
3. If you maintain that any document or record which refers to or relates to anything about which these data requests ask or that would be responsive to any of the data requests has been destroyed, set forth the contents of said document, the location of any copies of said document, the date and circumstances of said destruction and the name of the person who ordered or authorized such destruction.
4. In answering these data requests, furnish all information and responsive documents in the possession of BellSouth or in the possession of any director, officer, employee, agent, representative, or attorney of BellSouth.

5. If you cannot answer any data request in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of a data request, please so state, describing your efforts to obtain the information requested, and then proceed to answer to the extent possible.

6. When the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods applicable to each portion of the response.

7. Where the data requested, including but not limited to cost studies and related information, is or can be made available on diskette, please provide the documentation on diskette and indicate the format in which the data is provided.

8. These data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses subsequently become known. Any revised cost studies filed by BellSouth should be accompanied by corresponding changes to the responses provided pursuant to these data requests.

### **INTERROGATORIES**

1. Of the \$54.58 million received by BellSouth from the state Universal Service Fund, describe how these dollars have been used. For example, describe what infrastructure in South Carolina has been built as a result of these funds.

2. Of the \$54.58 million, describe what percentage has been used or invested, if any, outside the state of South Carolina.

3. Of the \$54.58 million, describe the specific benefits South Carolina citizens received.

4. Describe the criteria BellSouth will utilize in deciding whether it will seek additional withdrawals from the state USF in 2004.

5. In response to ITC DeltaCom's Interrogatory No. 3 in its First Set of Interrogatories, BellSouth responded "it has, on occasion, provided the requested information to members of the Commission's non-advisory staff." Specifically,

a) what members of the Public Service Commission non-advisory staff asked for information?

b) on what dates did such members of the Commission staff request such information?

c) who at BellSouth responded to the request?

d) on what dates did BellSouth respond to the Commission's request?

6. In terms of this proceeding, did any members of the Public Service Commission staff request information concerning BellSouth's request for an additional withdrawal of the approximate \$8 million?

a) If so, who made the request and on what dates?

b) If so, who at BellSouth responded to the requests?

c) If so, what information pertaining to this request was provided by the Public Service Commission staff?

7. Did any of these "verbal" communications occur after this matter was docketed?

If so, when?

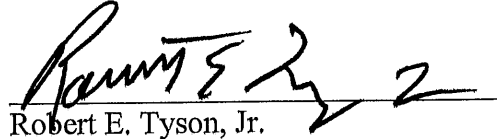
8. Why did BellSouth provide the information "verbally" rather than in writing?

9. If BellSouth conducted an audit or allowed other entities to audit its use of the state USF, would it have been more likely that BellSouth would have detected the actual annual amount it recovers from the USF today?

10. In the Supplemental Direct Testimony of Kathy K. Blake, she states "in preparing her pre-filed direct testimony, she relied on testimony from June 5, 2000 and PSC Order No. 2001-419." Did Ms. Blake only rely on these two data items in preparing her testimony? If not, what other information did Ms. Blake use in developing her pre-filed testimony?

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February 6, 2004

## **CERTIFICATE OF SERVICE**

This is to certify that I, the undersigned employee of Sowell Gray Stepp & Laffitte, LLC, attorneys for ITC^DeltaCom Communications, Inc., have caused the foregoing to be served upon the person(s) named below by placing copies of same in the United States Mail, postage prepaid, and via electronic mail:

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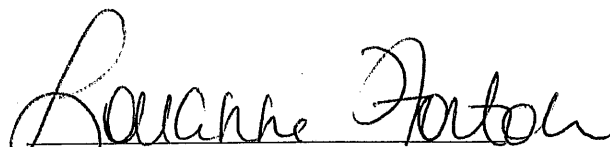
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Feb. 6, 2004

  
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